

REMARKS

The claims have been amended to address the 112 rejection and to better define the claimed invention and to better distinguish the claimed invention from the prior art.

Regarding specifically the 112 rejection, the Examiner states that the specification does not reasonably provide enablement for preventing a short circuit.

However, in fact, a short circuit does not occur as demonstrated in examples 1-7 of the sworn specification. Without wishing to be bound by theory, Applicants believe that there are two reasons why a short circuit does not occur:

(i) The cathode comprising the nitroxyl polymer contains an electrolyte solution, and accordingly the nitroxyl polymer swells. As a result, the surface of the cathode is covered with the swelled nitroxyl polymer, in other words, only the nitroxyl polymer is in direct contact with the anode. In the case in which the cathode contains an electro-conductivity imparting agent such as acetylene black, the electro-conductivity imparting agent cannot come into contact with the anode. The nitroxyl polymer can function as a polymer electrolyte as well as active material.

(ii) In the claimed invention, the nitroxyl polymer is in direct contact with the anode. The nitroxyl polymer of the cathode may react with lithium of the anode to form an interfacial layer between the anode and the cathode. The interfacial layer thus can prevent a short circuit from occurring.

Turning to the art rejections, claims 1 and 3-6 have been rejected as anticipated by Nakahara, and claim 2 has been rejected as being obvious from Nakahara in view of McManis. It is submitted that none of the applied art alone or in combination can be said to teach or

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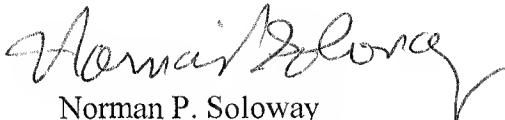
render obvious claim 1, or any of the claims dependent thereon. As required by claim 1, the nitroxyl polymer of the cathode is in direct contact with the anode. As discussed above, this feature does not cause a short circuit between the cathode and the anode. According to the claimed invention, dendrite growth can be suppressed on the anode surface, and thus the cycle property of the cell can be improved. None of the applied references teach or suggest the feature and the effect of the present invention. Therefore, no combination of the two applied references can be said to teach or suggest claim 1. Claims 2-6, and newly added claims 7-10 all depend directly or indirectly on claim 1, and are allowable for the same reasons above adduced relative to claim 1, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Extension fees are being paid via EFS WEB in the amount of \$560.00.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

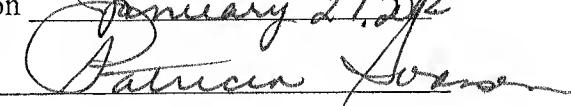


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